

70D-2-504 Orders.

- (1) If the commissioner determines that a person engaging in business as a lender, broker, or servicer is violating, has violated, or the commissioner has reasonable cause to believe is about to violate this chapter or a rule of the commissioner made under this chapter, the commissioner may:
 - (a) order the person to cease and desist from committing a further violation; and
 - (b) in the most serious instances may prohibit the person from continuing to engage in business as a lender, broker, or servicer.
- (2)
 - (a) If the commissioner determines that a practice that the commissioner alleges is unlawful should be enjoined during the pendency of a proceeding incident to an allegation, the commissioner may issue a temporary order in accordance with Section 63G-4-502:
 - (i) at the commencement of the proceedings; or
 - (ii) at any time after the proceeding commences.
 - (b) For purposes of Section 63G-4-502, an immediate and significant danger to the public health, safety, or welfare exists if the commissioner finds from specific facts supported by sworn statement or the records of a person subject to the order that loan applicants or mortgagors are otherwise likely to suffer immediate and irreparable injury, loss, or damage before a proceeding incident to a final order can be completed.
- (3) The commissioner may not award damages or penalties under this chapter against a lender, broker, or servicer.
- (4)
 - (a) An order issued by the commissioner under this chapter shall:
 - (i) be in writing;
 - (ii) be delivered to or served upon the person affected; and
 - (iii) specify the order's effective date, which may be immediate or at a later date.
 - (b) An order remains in effect until:
 - (i) withdrawn by the commissioner; or
 - (ii) terminated by a court order.
 - (c) An order of the commissioner, upon application made on or after the order's effective date to the Third District Court, or in any other district court, may be enforced ex parte and without notice by an order to comply entered by the court.

Renumbered and Amended by Chapter 72, 2009 General Session